Section III:

AMENDMENT UNDER 37 CFR §1.121 to the

DRAWINGS

No amendments or changes to the Drawings are proposed.

Section IV:

AMENDMENT UNDER 37 CFR §1.121

REMARKS

Rejections under 35 U.S.C. §103

In the Office Action, rejections of claims 1 - 19 under 35 U.S.C. §103(a) as being Sanchez in view of Boreham were withdrawn in view of the amendment in the previous Applicant's reply. Applicant appreciates the reconsideration.

In the Office Action, Claims 1 - 19 have been rejected under 35 U.S.C. §103(a) over Sanchez (previously cited) in view of US pre-grant published patent application 2004/0031058 to Reisman (newly cited).

Rejection of Independent Device Claim 1. Please note that an apparent typographical error exists in the Office Action on page 3, next to last line, which reasons that Sachez fails to teach certain claim aspects, but that *Boreham* (not Reisman) teaches those aspects. Applicant believes this is a typographical error, and was intended to read as Reisman teaching the missing claim elements. If this is incorrect, Applicant respectfully requests clarification in the next Office Action.

With respect to the teachings of Sanchez, Applicant maintains traversal of the rationale presented in the last Office Action regarding Sanchez. Further, in view of the present amendment, Sanchez in view of Reisman fails to teach *resolving* the attribute values by *converting* an externally-obtained incompatible value to a compatible value, where "compatible" is qualified as being a compatible format with a directory access request return, such as a return format for an LDAP access request.

As agreed in the Office Action, Sanchez fails to teach or suggest obtaining any attribute values which are stored or retrieved from *outside the directory structure.*

Reisman does not disclose"resolving" real time *directory attribute* values, but instead, Reisman discloses resolving the beginning and ending of links or arcs (e.g. "link attributes"), which are not the same as *directory attribute* values, of course. Links are well known to be types of pointers which indicate a beginning or origin of referenced information, and an ending

or destination of reference information, but links are well known not to be the referenced information themselves.

And, Reisman only discloses "converting" *media* object formats such as video or audio to formats for "presentation", which is not the same as converting a *database attribute* value from a format incompatible with an *access request return* to a format compatible with an access request return, either, of course. See Reisman's paras. 0037, 0038, 0062, 0106, 0132, 0136, 0162, 0193, 0258, 0266, 0276, 0277, 0307, 0772, 0773, 0776, 0777, 0778, 0793, 0837, etc.

Applicant hereby amends Claim 1 accordingly to specify these differences in the claimed process of "resolving" and that which is taught by Reisman.

Applicant respectfully requests reconsideration and allowance of Claim 1.

Rejection of Dependent Claim 2.　In the Office Action, Claim 2 was rejected over Sanchez in view of Reisman. Applicant respectfully disagrees. Sanchez specifically specifies in the paragraphs 0029 - 0031 cited by the Examiner that their data values are *stored, not suppressed from storing,* in the LDAP data repository (emphasis added by Applicant):

> *Sanchez:*
> [0029] Since objects 48 are defined by their attributes, the persistent data manager 40 stores objects 48 **by storing persistent attributes of the objects 48 in the LDAP data repository 26**. Accordingly, when directed to store an object 48 in the LDAP data repository 26, the persistent data manager 40 **stores the persistent attributes in the LDAP data repository** 26. Likewise, when directed to read a stored object 48 from the LDAP data repository 26, the persistent data manager 40 **reads the persistent attributes from the LDAP data repository 26**.
> [0030] The persistent data manager 40 preferably stores the persistent attributes by mapping the persistent attributes to certain defined LDAP attributes. These LDAP attributes are preferably grouped within LDAP objects (not shown) that correspond to the objects 48. These LDAP objects and their attributes are defined within the LDAP data repository 26. In an embodiment of the present invention, the persistent data manager 40 is responsible for defining, in the LDAP data repository 26, most of the LDAP attributes and the LDAP objects that correspond to the objects 48. Some of the LDAP attributes may be standard LDAP

attributes that already exist. These LDAP attributes and objects, referred

to as persistent data schema, may be defined and created using known

LDAP methods for creating LDAP attributes and objects.

[0031] The persistent data manager 40 may map the persistent attributes

of the objects 48 to the LDAP attributes utilizing a simple mapping

methodology. For example, the created LDAP attributes may be defined

to have the same names as the persistent attributes with a simple prefix

(or suffix or other notation) indicating a source (e.g., an organization and

an application) from which the persistent attributes originate. For

example, a time stamp attribute of an object 48, named "CreatedTime"

may map to a created LDAP attribute named "hpmxCreatedTime." The

prefix "hpm.times." may indicate, for example, that the source

organization is Hewlett-Packard Co..RTM. and the source application is

the SCM 12 (also known as MX or MUXPlex). As noted above, the

persistent data manager 40 may map some of the persistent attributes to

existing standard LDAP attributes (e.g., commonName, description,

ipHostNumber, host and uidNumber).

Applicant respectfully submits that this portion of Sanchez' disclosure has been misinterpreted, possibly by improperly reading the Applicant's disclosure into Sanchez' disclosure, because there is no mention of Sanchez' system storing their "persistent attributes" anywhere but "in the LDAP data repository.

For this reason, Applicant requests allowance of Claim 2.

Rejection of Dependent Claims 3 - 7. In the Office Action, in the rationale for the rejection of Claim 3, it is stated that Claim 3 is rejected over Sanchez in view of Boreham. Applicant believes this to be a typographical error, as stated in the foregoing paragraphs, and responds under the assumption that this was intended to read as Sanchez in view of Reisman.

Applicant respectfully disagrees with the reasoning and conclusions as stated by the Examiner. Claims 3 - 7 depend from Claim 1. All of the elements, steps, and limitations of Claim 1 are not taught by Sanchez in view of Reisman, as discussed in the foregoing paragraphs. For this reason, Applicant requests allowance of Claims 3 - 7.

Rejection of Claims 8 - 19.   In the Office Action, claims 8 - 19 were rejected over Sanchez in view of Reisman using the same rationale applied to Claims 1 - 7, with at least one appearance of the presumed typographical error referring to Boreham instead of Reisman.

Whereas Claims 8 - 19 are method and computer readable medium claims corresponding to the device claims 1 - 7, and whereas they present the same elements, steps, and limitations of the device claims, Applicant respectfully disagrees for the same reasons set forth in the foregoing paragraphs.

Applicant respectfully requests reconsideration and allowance of Claims 8 - 19.

Cited Art Shows Lack of Recognition of Problem Solved by Present Invention.   As discussed in the foregoing paragraphs, neither Sanchez or Reisman appear to recognize the same problem recognized by the Applicant regarding how to deliver data from real-time sources in response to a directory access request in a manner to make it transparent to the requester that the real-time information or data is not actually stored in static directory structure, thereby avoiding resource-intensive real-time updates to the contents of the directory structure itself but simultaneously maintaining compatibility with all requesting or user clients of the directory.

Ordinary Skill Level in the Art not Established.   The Court reasoned in *In re Gentile* (Civ. App. No. 93-1086 (Fed Cir. Oct. 5, 1993)), that unless an explicit level of ordinary skill in the art is established during examination of a patent application, the ordinary level can be presumed from that which is indicated by the cited art.

Applicant notes that the Examiner has not stated what level of skill was considered to have been ordinary at the time of filing the present patent application.

Sanchez, *et al.*, Do Not Indicate Ordinary Skill Level.   Applicant respectfully submits that Messrs. Sanchez and Wang are not ordinarily skilled in the art, but instead are highly skilled in the art.   A search as of today on the USPTO's patent database reveals 2 patents issued to these inventors, and 3 pre-grant published patent applications listing these individuals as inventors. Applicant respectfully submits that this is strong evidence that Messrs. Sanchez and Wang are highly skilled in the art, and thus the cited Sanchez pre-grant published patent application is not indicative of ordinary skill in the art.

Sanchez's Lack of Problem Recognition Indicates Non-Obviousness of Claims. Further, Applicant respectfully submits that Messrs. Sanchez and Wang lack of recognition of certain problems recognized by Applicant, and lack of suggestion of corresponding solutions which are claimed by Applicant, coupled with Messrs. Sanchez's and Wang's high level of skill in the art is strongly indicative of non-obviousness of Applicant's claimed solution to these problems.

Reisman Does Not Indicate Ordinary Skill Level. Likewise, a search of the USPTO's patent database shows Mr. Reisman's inventions to have been awarded three U.S. patents thus far, and six pre-grant patent applications have been published regarding Mr. Reisman's inventions. Applicant respectfully submits that Mr. Reisman also is not of ordinary skill in the art, but is of greater-than-ordinary skill in the art, and thus Reisman's cited patent is not an accurate indication of the ordinary skill level in the art.

Reisman's Lack of Problem Recognition Indicates Non-Obviousness of Claims. Further, Applicant respectfully submits that Mr. Reisman's lack of recognition of certain problems recognized by Applicant, and lack of suggestion of corresponding solutions which are claimed by Applicant, coupled with Mr. Reisman's high level of skill in the art is strongly indicative of non-obviousness of Applicant's claimed solution to these problems.

Request for Indication of Examiner's Determination of Skill Level Used in Obviousness Analysis. Should the Examiner determine to maintain these rejections under 35 U.S.C. §103(a), Applicant respectfully requests to be notified of what was considered or deemed by the Examiner to be an ordinary level of skill in the art at the time of the present invention.

The Examiner is a fact finder required to resolve *Graham* inquiries ("Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*:, Fed. Reg., Vol. 72, No. 195, October 10, 2007). The Court has suggested a number of criteria which can be used to determine the ordinary skill level (*Environmental Designs, Ltd. v. Union Oil,* 713 F.2d 693, 696, 218 USPQ 865, 868 (Fed. Cir. 1983); *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.,* 796 F.2d 443, 449-450, 230 USPQ 416, 420 (Fed. Cir. 1986)).

Applicant respectfully submits that the cited art is drawn from inventors of extraordinary

skill in the art, and thus their teachings do not indicate what was ordinary skill at the time of Applicant's invention.

Request for Indication of Allowable Subject Matter

For the foregoing reasons, Applicant respectfully submits that Sanchez in view of Reisman fails to teach all of the claim steps, elements and limitations, it would not have been obvious to one of ordinary skill in the art to modify Sanchez or Reisman to meet the limitations of the claims.

Applicant believes the present amendment places the claims in condition for allowance. If, for any reason, it is believed that the claims are not in a condition for allowance, Applicant respectfully requests constructive recommendations per MPEP 707.07(j) II which would, in the Examiner's opinion, place the claims in condition for allowable condition without need for further proceedings.

Respectfully,

/ Robert Frantz /

Robert H. Frantz, Reg. No. 42,553
Tel: (405) 812-5613
Franklin Gray Patents, LLC